

THE WEATHER
Partly cloudy tonight and Saturday,
slightly warmer in east
portion Saturday.

THE DAILY TELEGRAM.

WY
A WANT AD.
RESULTS GUARANTEED

EXCLUSIVE ASSOCIATED PRESS SERVICE.

ESTABLISHED 1861.

CLARKSBURG, W. VA., FRIDAY, JANUARY 8, 1909.

PRICE TWO CENTS.

DAMAGE SUIT IS VERY IMPORTANT

Question Involved is One of State-Wide Meaning to Industrial Concerns.

POLLUTION OF WATER

Through a Matter of Drainage From Higher Elevation is the Contention.

Far reaching will be the final decision in the case of Abraham Carper against the Cook & Hart Coal Company, argued at the morning session of circuit court here Friday. Mr. Carper sues for damages caused by the pollution of water on his farm, caused by the water flowing down from the defendants' coal mine, the opening of which is on a farm situated higher than Carper's place.

The case is the first of the kind in West Virginia, the most important at this time of circuit court and probably the most important that will come up in the state within the next twenty years.

The question involved is whether an owner of land below a mine can recover damages for pollution of water on his farm by reason of that running from a mine above. The final decision will not be confined alone to coal mines in its effect but also to most industrial plants, especially all those located near water courses.

Only by analogy has there been a similar case settled. It is claimed, in any state, and that was Pennsylvania by a divided court, which after four arguments and two re-hearings, decided that damages could not be recovered.

The case is the first of its kind to come up in West Virginia.

SWIGER JAILED

Charged With Robbing and Assaulting Blaine Booher Near Salem.

Calvin Swiger was brought to the county jail this morning from Salem by Constable F. M. Davidson, to await the action of the grand jury. Blaine Booher accuses Swiger of assaulting and robbing him, Tuesday night on Jacob's Run, taking money, gloves and a jug of whiskey from him and then attacking him with a knife, which he escaped by fleeing. Swiger was given a hearing by Justice H. B. Davis, of Salem, and in default of bond of \$500 the justice committed him to jail.

REV. MR. CANTER

Presiding Elder of the Methodist Church, South, Will Preach in Local Church.

Rev. W. I. Canter, presiding elder of the Fairmont district of the M. E. church, South, will preach at St. Paul's church Saturday evening at 7:30 o'clock, and Sunday morning at 11 o'clock. Rev. Mr. Canter's ability as a preacher is well known to Clarksville churchgoers, and those who have not hitherto had opportunity to hear him will avail themselves of this occasion to enjoy sermons from one of the most brilliant and gifted preachers of the State. The ability of the Rev. Mr. Canter was recognized by the Sovereign Grand Lodge of Odd Fellows when they elected him as their Grand Chaplain.

LEVY RELEASED

By Morgantown's Mayor Who Fails to Establish Charge Against Him.

MORGANTOWN, Jan. 8.—M. Levy, junk dealer of Clarksville, was taken before the mayor yesterday afternoon charged with dealing in junk without a city license. The mayor released him on \$500 bond but later found that he had not the necessary evidence to convict the man and allowed him to go. Levy was discovered weighing some junk at Dalinsky's store on Walnut street, but when it was attempted to prove that Levy had bought the stuff, Dalinsky denied selling him any.

KILLED IN EXPLOSION.

CLINTON FORGE, Va., Jan. 8.—Two Negroes were killed and four seriously injured in an explosion of a carload of powder at Lantz yesterday.

PRESIDENT'S WORDS TO BE LAID ON TABLE

If the House Adopts Recommendations of the Special Committee.

ALSO HIS SPECIAL ONE

Members Are on Floor Ready to Defend Themselves and Resent Message.

WASHINGTON, D. C., Jan. 8.—The special committee appointed by the House to deal with the President's message regarding the secret service brought in its final report today.

The report is as outlined in press dispatches last night. It recommends that the objectionable portion of the President's annual message be tabled and that similar action be taken on the message of last Monday, because of its "unresponsiveness to the inquiry of the House and that it reflects upon the integrity of members of the House."

It is asserted that the language in question was unjustified and without a basis of fact and that it constituted a breach of privilege of the House.

There was almost a full membership of the House, when Chairman Perkins, of the special committee, presented the report. The galleries were also packed.

Tawney Smith, of Iowa, Sherley and Fitzgerald, whose names were mentioned in the President's message, were on the floor with prepared speeches to resent what they deemed to be insinuations of the President upon them as members of the committee on appropriations.

Both the executive and diplomatic galleries, usually deserted, were filled. It was not observed that any member of the President's immediate family was present.

GOES "WET"

Citizens Party Victorious at Smithfield, "Drys" Getting But One Councilman.

SMITHFIELD, Jan. 8.—The town election was held yesterday with two tickets in the field, the Temperance and Citizens'. The Citizens' party elected the mayor, recorder and four councilmen and the Temperance party elected the other councilman.

C. L. Watkins and O. P. McIntire were in Clarksville during the week on business. The following Smithfield ladies were shopping in Clarksville yesterday: Mrs. W. H. Dillman, Mrs. A. P. Dillman and Mrs. G. C. McGill.

The many friends of Mrs. A. L. Chambers, who is now in the St. Mary's hospital in Clarksville, where she underwent an operation for appendicitis, are glad to know that she is now fast on her way to recovery.

The officers of the Smithfield Poultry and Pet Stock Association held their regular business meeting Tuesday evening, and after auditing the accounts of their recent show, they were agreeably surprised to see a balance of \$17.00 in the association's favor.

Mrs. A. L. Lewis and son, Gordon, returned home yesterday from an extended visit to her mother, Mrs. J. S. Robinson, of Jacksonville, Fla.

LEWIS RE-ELECTED

Votes for Mine Workers' President So Far Counted Make It Certain.

INDIANAPOLIS, Ind., Jan. 8.—Thomas L. Lewis has been re-elected president of the United Mine Workers of America over John H. Walker, of Illinois. The work of the national tallies counting the vote cast last month, has progressed far enough to make this certain.

The figures of the vote will not be made public until the convention meets here January 19. In addition to learning of his defeat at that time, Walker will hear some stinging words from President Lewis in the latter's annual report. Walker, it is said, will also probably learn at that time that he is to be suspended from membership in the organization until such time as he can prove that President Lewis is guilty of charges of corruption and graft.

N. M. Hooker is here from Buckhannon. Frank Bostock, of Buckhannon, is a visitor in the city.

GRAND JURY IS THING OF PAST

Reports That Its Labors Are Finished and It is Discharged.

MORE FELONY BILLS

As Well As Lot of Misdemeanor Indictments Are Returned By It.

The grand jury reported at 1:45 o'clock Friday afternoon that it had completed its work and Judge C. W. Lynch discharged it, after the following indictments had been reported:

Felony.

Matthew Blair, theft of \$50 from Samuel E. Way.

Frank Buccofurni, for felonious assault on Joe Ansette, with a revolver. Joe Arruzino, for a felonious assault on Frank Oliverio with a revolver.

Tony Arruzino, for felonious assault on Frank Oliverio, with a club. Misdemeanor.

W. R. Pigott and about 30 others, jointly, for destroying and obstructing a public road at Wallace.

J. Worthington, for an alleged assault on Alex Tugola.

Wid. Harber, for an alleged assault on David Gifford.

One felony and a number of misdemeanor indictments were returned. The felony case reported at the morning session of court is that of Harvey Murphy, charged with felonious assault on Charles Ernst King with a beer bottle.

The misdemeanor indictments returned are as follows:

George Ferkel, 3 cases, for alleged illegal sales of liquor, not having a state license.

Brack Trorn and Hood Thorne, for an alleged assault on Martin Myers.

Hood Thorne, for an alleged assault on George Edison.

Hood Thorne, charged with carrying a revolver.

F. Caci Laughlin, for an alleged assault on Will S. Satcher.

H. W. Satcher, charged with disturbing the peace at a public society in the Satcher school house.

Bessie Jackson, for living at an alleged house of bad repute.

Myrtle Jackson, for keeping an alleged house of bad repute.

Hope Natural Gas Company, for an alleged obstruction and destruction of a public road on Coburn's Creek.

Elmer Gassage, John Hayes, John McCann, George Miller and Nick Lantz were ordered released from jail.

CAPS EXPLODE

In a Miner's Hands and One of Them Has to Be Taken Off.

J. S. Wright, of Haywood, is in the Miners' hospital suffering from a very serious injury, which resulted in the amputation of his right hand yesterday afternoon.

Mr. Wright, who worked in the mines at Haywood, was carrying a handful of dynamite caps, when in some manner they exploded, and his hand was literally torn to pieces. The accident occurred on Wednesday afternoon. Nothing could be done to save the member and it was found necessary to remove it.

The injured man is married and resides at Haywood. His wife and friends are deeply regretted by his many friends.

WESTON ELECTION

Steinbeck Wins for Mayor, While Arnold is Elected Recorder.

WESTON, Jan. 8.—The Republicans elected their candidate for mayor and two councilmen, while the Democrats elected their candidate for recorder and two councilmen.

The results were as follows: J. W. Steinbeck, for mayor, 147 majority over Dr. George M. Hamilton; J. C. Jordan, alderman, first ward, 45 majority over S. R. Hunt; William Weber, alderman, second ward, 10 majority over Jack Wilson; J. C. Collins, alderman, third ward, 19 majority over Lloyd Heavener; Reed Goe, alderman, fourth ward, 24 majority over W. P. Stewart; and Captain Jackson Arnold, for recorder, 119 majority over Ben Heavener.

Carl Walker, of Fairmont, was a business visitor here Thursday and Friday.

GOVERNOR STILL A CONGRESSMAN

George L. Lilley Holds On to Two Offices and Arouses Much Comment.

WASHINGTON, D. C., Jan. 8.—George L. Lilley, who was inaugurated governor of Connecticut, promises to be the center of interest at the concluding session of Congress. It arises over the fact that he has not resigned as representative. It is declared that he does not intend to resign. There is understood to be no provision of law to prevent his serving in the House while governor of his State and drawing salaries for both positions. It is pointed out that his retention of membership in the House, however, makes him liable at any time to be pulled out of the gubernatorial seat at Hartford and brought to Washington to make a quorum of that body. In the entire history of the House there has not been a similar case.

RECESS TAKEN

By the Court of Harrison County Until First of Next Week.

The county court has taken a recess until Monday next.

Alex Stonestreet was exonerated on \$750 valuation on 4 lots in the Stealey addition, and the same was reduced from \$1,000 to \$250.

Phoebe A. Ward was exonerated on \$25 valuation on personal property in Coal district.

Henry C. Batten was appointed guardian of Genevieve and Beldon Ash, infants of Nelson Ash, deceased, and he gave bonds of \$400 each.

B. B. Stout and C. C. Nitro were appointed to locate the line between Clark and Simpson districts.

P. M. Long qualified as justice of the peace in Clark district.

J. W. Pigott qualified as a notary public.

YOST URGED

To Prepare and Introduce Bill Prohibiting Sunday Baseball in the State.

Ellis A. Yost, one of 'Monongalia' delegates to the legislature, has under consideration a bill, which, if passed, will put an end to all Sunday baseball in West Virginia. Mr. Yost has received letters from a number of people from all over the state urging him to prepare and submit such a bill. Until a few years ago Sunday baseball was almost unheard of in the state, but since several West Virginia cities entered the Pennsylvania-West Virginia League circuit Sunday baseball has become quite popular. In Pennsylvania, a state law prevents playing on Sunday so that in the past games have been arranged in West Virginia cities of the circuit on every Sunday. Parkersburg has lately developed quite a fondness for the sport on Sunday.

BODY FOUND

At Sea of German Aeronaut Who Was in Balloon Race.

HAMBURG, Jan. 8.—The body of Lieutenant Foertsch, the German aeronaut, who lost his life at sea last October, was picked up in the North Sea two days ago by the steamer Grion. Foertsch participated in the international balloon contest that started from Berlin October 12. His balloon was picked up October 17 near Heligoland with no sign of the occupant. All other aeronauts were accounted for.

LETS CUT GLASS CONTRACT

C. P. Stout returned from Morgantown last night where he closed a contract with the Seneca Glass Company to polish the unfinished cut glass tumblers that he purchased from the Empress glass factory at Grafton. The tumblers will be polished in about a week and returned to Mr. Stout who will put them on sale at his queensware store.

DEYS IN MAJORITY.

WHEELING, Jan. 8.—Reports received from eighteen small municipalities, where yesterday an election was held to decide the question of the licensed sale of liquor, show that ten went dry and eight wet.

Murder Mystery

Is Still Matter of Rumors, Theories and Conjectures at Detroit.

DETROIT, Mich., Jan. 8.—Rumors, theories and conjectures are the only harvest thus far of the sensational Battle Run Methodist church mystery and rumors that either the missing Rev. John H. Carmichael, or the equally sought Gideon Browning, a village carpenter, has been seen since the murder in the church, proved to be baseless.

Mrs. Carmichael, wife of the missing preacher, today was taken to Port Huron to be questioned. There is no charge against her. She said a barrel of carpet rags which she said had been shipped by her husband several days ago to her sister, Miss Jacob Maier, living near Elkhart, O., was prepared and forwarded by herself.

Deputy Sheriff Moore has gone to St. Thomas to follow up rumors that Carmichael had crossed into Canada.

The Rev. Mr. Carmichael was born at Wellsburg, W. Va.

MORE RECRUITS

For the United States Army Are Accepted at the Local Station.

First Lieutenant W. A. McDaniel of Parkersburg, passed favorably on two recruits for the United States army this morning at the local station in charge of Sergeant George W. Hawthorne, and they will leave on No. 3 tomorrow morning for Columbus, O. to be sent to the infantry. They are U. L. Tenney, of Lewis county, and John Lowther, of Volga. Sergeant Hawthorne has Tilford L. Skinner, of Haywood, and Raymond L. Jeffries, of Grantville, on probation, awaiting papers from their parents.

Charles S. Shafer, of Morgantown, though a telegraph operator, was rejected for the signal corps, because he is 12 pounds overweight. David Fogg, of Romines Mills, was also rejected, because he is a minor.

Lieutenant McDaniel left on the afternoon Short Line train for Wheeling, where he has seven men awaiting examination by him. He announces that the hospital corps is full and no men are being taken for that service. The other departments of the army are also well filled that only the very best men are being recruited at this time.

SENATE VOTES

On and Passes Senator Culbertson's Resolution Relating to the President.

WASHINGTON, D. C., Jan. 8.—By a viva voce vote the Senate today passed Senator Culbertson's resolution instructing the committee on judiciary to report to the Senate whether the President was authorized to permit the absorption of the Tennessee Coal & Iron Company by the United States Steel Corporation.

PLEA FOR TEMPERANCE.

INDIANAPOLIS, Ind., Jan. 8.—Governor Hanly in his final message to the legislature today made an appeal in behalf of temperance, claiming crime, pauperism, epilepsy and poverty are due to alcohol.

MISSOURI OFF FOR ATHENS.

PORT SAID, Jan. 8.—The battleship Missouri left here this morning for Athens. Later in the day the Kentucky left for Tripoli. Nine vessels of the American fleet under Rear Admiral Sperry are still here coaling.

BROKERS "BUSTED"

NEW YORK, Jan. 8.—The decline in Consolidated gas following the decision upholding the eighty cent law is alleged to be the cause of the failure of the firm of Heckler, Baxter & Seed, which was announced on the Consolidated Stock Exchange today. The failure of C. W. Wilbur, a trader, was also announced.